

**THE LAW OFFICES OF DAVID L. SINGER, P.C.**  
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DAVID L. SINGER, ESQ.  
[singer@davidsingerpc.com](mailto:singer@davidsingerpc.com)

September 18, 2018

**VIA ELECTRONIC MAIL**

Kenneth Flickinger, Esq.  
Eckert Seamans

Re: **Proposed Discovery Schedule - Izmirligil v. Select Portfolio Servicing, Inc., et al. - 17-cv-06157**

Counselor:

This letter is further to the Court's Order of September 7, 2018. The following is our proposed discovery schedule for your consideration. I will call you today at 2 pm to discuss whether we can come to an agreement regarding the Court Ordered discovery. As instructed, I will be writing a letter to the Court on or before September 21, 2018 to advise Judge Bianco whether we have an agreement or whether we need to be referred to Magistrate Judge Shields to oversee this discovery process.

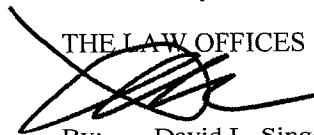
**Proposed Discovery Schedule:**

1. Plaintiff to Serve Discovery Demands on or before October 8, 2018; (Proposed Attached)
2. Defendants to Serve Responses to the Discovery Demands on or before November 22, 2018.
3. Deposition of Representative from SPS with knowledge of the servicing of the mortgage loan, maintenance of the escrow account and the procurement and cancellation of the LPI Policy on or before December 31, 2018.

Please let me know prior to 5pm on September 20, 2018 if you agree to the above so that I will know how to advise the Court as mandated.

Very truly yours,

THE LAW OFFICES OF DAVID L. SINGER, P.C.



By: David L. Singer, Esq.

Cc: All Counsel and Plaintiff via Email

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

DRAFT

----- X  
ARIF S. IZMIRLIGIL,

Plaintiff,

-against-

SELECT PORTFOLIO SERVICING, ET. AL.

Defendants.  
----- X

Case No.

**NOTICE FOR  
DISCOVERY AND  
INSPECTION**

**PLEASE TAKE NOTICE**, that plaintiff, ARIF S. IZMIRLIGIL ("Plaintiff"), by and through his attorneys, DAVID L. SINGER, P.C., pursuant to FRCP 26 *et seq.* and the Order of this Court dated September 7, 2018, hereby demands that Defendants, SELECT PORTFOLIO SERVICING, INC., AMERICAN SECURITY INSURANCE COMPANY AND ASSURANT, INC. (collectively "Defendants") produce the following at the Law Offices of David L. Singer, P.C., 150 Broadhollow Road., Suite 122, Melville, New York, 11747 on the **22nd day of November, 2018** for the purposes of discovery and inspection:

**DEFINITIONS and INSTRUCTIONS**

A. The term "document" is used herein in the broadest possible sense and means any written, graphic or other recorded (whether visually, electronically, magnetically or otherwise) matter of whatever kind of nature or any other means of preserving thought or expression and all tangible things from which information can be processed, transcribe or retrieved, whether originals, copies or drafts (including, without limitation, nonidentical copies), however produced or reproduced. A document with handwritten, typewritten or other recorded notes, editing

marks, etc., is not and shall not be deemed identical to one without such modifications, additions or deletions. The term "original" includes the file copy or copies of any document if there is no actual original or ribbon copy.

B. The terms "and" as well as "or" shall be construed both conjunctively and disjunctively, and each shall include the other wherever such dual construction will serve to bring within the scope of this request any documents which would otherwise not be brought within its scope.

C. The term "documents evidencing, reflecting or referring to" any given subject means any document that construes, contains, embodies, reflects, identifies, states, refers to, deals with or is in any manner pertinent to that subject.

D. The term "person" means any individual, corporation, partnership, joint venture, firm, association, proprietorship or other entity.

E. If any responsive document is withheld by defendants under a claim of privilege, or for any other reason, pursuant to CPLR §3122(b) or FRCP specify as to each document: (1) the type of document withheld; (2) its date, if any; (3) its possessor; (4) its author(s); (5) its general subject matter; and (6) the ground(s) upon which it is being withheld.

F. In producing these documents, you are requested to furnish all documents known or available to you regardless of whether such documents are possessed directly by, or are in custody or control of, you or your officers, directors, agents, employees, representatives, consultants, or investigators, or your attorneys or their agents, employees, representatives or investigators.

G. If a document is responsive to a request for production and is in defendants control, but not in their possession or custody, identify the person with possession or custody.

**DOCUMENTS REQUESTED**

1. Copy of Notice of Default and Proof of Mailing
2. Complete Escrow Account History from inception of the Mortgage Loan until present.
3. Complete Payment History for the Mortgage Loan from inception of the mortgage loan until present.
4. All documents that refer or relate to the issuance, maintenance or cancellation of the LPI Insurance Policy including but not limited to:
  - A. Communications with plaintiff or his representatives regarding his homeowners' insurance policy beginning from the inception of the mortgage loan to the present;
  - B. Communications with plaintiff or his representatives regarding the LPI policy beginning from 2012 to the present;
  - C. Communications by and between the Defendants regarding the LPI policy beginning from 2012 to the present;
  - D. Communications by and between the Defendants and any other third-parties regarding the LPI policy beginning from 2012 to the present;

The aforesaid production shall be made on the **22<sup>th</sup> day of November, 2018**, at 10:00 a.m. at the Law Offices of David L. Singer, P.C., 150 Broadhollow Road., Suite 122, Melville,

New York, 11747, at which time all materials will be physically inspected, copied or mechanically reproduced and returned.

Photostatic copies of all materials received by mail on or before the date specified above will be accepted in lieu of your personal appearance.

Dated: Melville, New York  
September 18, 2018

Yours, etc.

**DAVID L. SINGER, P.C.,**  
*Attorneys for Plaintiff*

By:

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**David L. Singer, Esq.**  
150 Broadhollow Road, Suite 122  
Melville, New York 11747  
Tel: (631) 923-2399  
Our File No.: 17-072 DLS

TO: **Attorneys for Defendants**



David L. Singer <davidsinger@gmail.com>

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## RE: Izmirligil v. SPS, et al. - Correspondence and Proposed Discovery

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**Kenneth J. Flickinger** <kflickinger@eckertseamans.com>

Fri, Sep 21, 2018 at  
1:10 PM

To: "walters@davidsingerpc.com" <walters@davidsingerpc.com>,  
"FBurt@carltonfields.com" <FBurt@carltonfields.com>  
Cc: "singer@davidsingerpc.com" <singer@davidsingerpc.com>, "davidsinger@gmail.com" <davidsinger@gmail.com>

Mr. Singer,

Based on our conversation earlier this week it appears we are not likely to agree on the scope of discovery related to the issue of Plaintiff's standing to prosecute the claims in this case. I recommend we advise the Court of same, and request referral to the magistrate judge for guidance.

Best Regards,

**Kenneth J. Flickinger, Esq.** | Member

**ECKERT SEAMANS CHERIN & MELLOTT, LLC**

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kflickinger@eckertseamans.com

[eckertseamans.com](http://eckertseamans.com) | [bio](#) | [vCard](#)



**From:** walters@davidsingerpc.com [mailto:walters@davidsingerpc.com]  
**Sent:** Tuesday, September 18, 2018 1:52 PM  
**To:** Kenneth J. Flickinger; FBurt@carltonfields.com  
**Cc:** singer@davidsingerpc.com; singer@davidsingerpc.com; davidsinger@gmail.com  
**Subject:** RE: Izmirligil v. SPS, et al. - Correspondence and Proposed Discovery

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